

REMARKS

THE OFFICIAL ACTION

In the official action dated March 8, 2000, (Action) the Examiner:

- Objected to Applicants' Abstract stating that the Abstract does not commence on a separate sheet pursuant to 37 C.F.R. §1.52(b)(1);
- Objected to Applicants' claims 29, 31, 38 and 41 under 37 U.S.C. §1.75, because of insufficient antecedent basis for noted wording in certain claims, and inappropriate dependancy in certain other claims; and
- Rejected Applicants' claims 1-45 under the judicially created doctrine of obviousness-type double patenting in view of Applicants' claims 1-20 of U.S. patent 5,758,072.

APPLICANTS' RESPONSE

As noted, in the Action the Examiner first objected to Applicants' Abstract suggesting that the Abstract did not begin on a separate page as required by 37 C.F.R. §1.52(b)(1). Applicants, however, are surprised by the Examiner's comments, since on review of their application they find the Abstract is, indeed, on a separate page. Specifically, Applicants' Abstract appears alone on the last page of the application, namely, page 150. Further, since the filing receipt noting the items submitted in connection with the application indicated Applicants' specification included 150 pages, and was stamped by the Patent and Trademark Office (PTO) as received, Applicants assume the Abstract was received by the PTO. In this regard, however, since the application was bound with a removable screw post, Applicants can only additionally assume that the Abstract was somehow separated from the application during PTO processing. Accordingly, Applicants have submitted with this Amendment a replacement copy of page 150 containing the Abstract.

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In the Examiner's further comments, and again as noted, the Examiner objected to Applicants' claims 29, 31, 38 and 41, under 37 U.S.C. §1.75, on the grounds of insufficient antecedent basis in certain claims for noted wording, and, inappropriate dependency for certain other claims. Further, the Examiner asked Applicants to again review their claims to confirm their correctness.

Responsive to the Examiner's comments, Applicants have reviewed their claims and made appropriate amendment, as noted above, both to provide antecedent bases for the items the Examiner referenced, to correct claim dependency, and further, to correct other matter found on review to be inappropriate. In the claim amendments, no new matter was added. Accordingly, Applicant would respectfully submit that their claims are now in proper form for allowance.

With regard to the examiners rejection of Applicants' claims 1-45 on the grounds of obviousness-type double patenting in view of Applicants' previously issued U.S. patent 5,758,072, since both the current application and U.S. patent 5,758,072 have a common assignee, specifically, the IBM Corporation, Applicants have submitted a terminal disclaimer with this amendment to put this application in condition for allowance.

Finally, Applicants' have also submitted an information disclosure statement with this amendment in accordance with 37 C. F. R. §§ 1.56, 1.97 and 1.98 to direct the Examiner's attention to the patents and other documents cited to and in the Patent and Trademark Office in connection with prosecution of Applicants' prior and related applications, including prior applications: SN. 08/933,488, filed 09/18/97; SN. 08/740,043, filed 10/23/96, now U.S. patent 5,758,072; SN. 08/158,026, filed 11/26/93, now U.S. patent 5,594,910; SN. 07/388,156, filed 07/28/89, now U.S. patent 5,347,632; SN. 07/328,790, filed 03/23/89, abandoned; SN. 07/219,931, filed 07/15/88, abandoned; and related applications: SN. 09/369,650, filed 08/06/99, pending; SN.

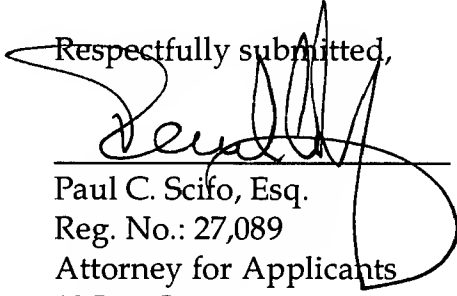
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08/933,500, filed 09/18/97, pending; SN. 08/158,025, filed 11/23/93, pending; SN. 08/158,09, filed 11/23/93, pending; SN. 08/158,031, filed 11/26/93, now U.S. patent 5,796,967; SN. 08/158,033, filed 11/26/93, now U.S. patent 5,442,771; as well as Applicants' discussion of experimental use prior to the filing of application SN. 07/388,156 submitted in their prior applications; for example, on August 5, 1997 in connection with application SN. 08/740,043.

Accordingly, in view of the noted amendments and preceding remarks, Applicants would respectfully submit that their invention as now claimed is patentably distinguished from the art or record, and that all objections raised by the Examiner have been resolved. Therefore, Applicants, requests reconsideration of their application and issuance of a patent thereon.

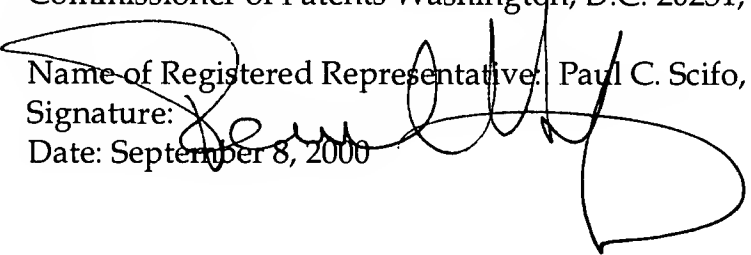
Dated: September 8, 2000

Respectfully submitted,


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I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to the Assistant Commissioner of Patents Washington, D.C. 20231, on September 8, 2000

Name of Registered Representative: Paul C. Scifo, Esq.

Signature: 

Date: September 8, 2000